

SENATE BILL 3515

By Kyle

AN ACT to amend Tennessee Code Annotated, Title 58;  
Title 66 and Title 68, relative to heat emergencies.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 66, Chapter 9, is amended by adding the following as a new part 5:

66-9-501. Notwithstanding any other provision of law, during a period of a heat emergency, it is against the public policy of this state to endanger human life by preventing or hindering the safe use of window air conditioners and other reasonable means of cooling.

66-9-502. in any heat emergency declared by the governor, the commissioner of health, or by a county or a municipality, the safe use of window air conditioners and other reasonable means of cooling may be authorized by the declaring authority in dwellings that house vulnerable persons, such as the elderly, children or persons who are ill, disabled or infirm.

66-9-503. In order to protect the public health during periods of a declared heat emergency, no private covenant of any form which prohibits the use of window air conditioners or other reasonable means of cooling afflicted vulnerable persons may be enforced. No penalty may be assessed or enforced on any property owner or tenant. Any lien filed by any person or entity seeking to enforce any prohibition on the use of window air conditioners or other reasonable means of cooling afflicted persons shall be void. Any action filed in any court by a person or entity to enforce any such prohibition may be deemed to fail to state a cause of action and may be dismissed.

66-9-504. Any vulnerable person, tenant or property owner aggrieved by the actions of a person or entity seeking to prevent or hinder the safe use of window air

conditioners and other reasonable means of cooling may seek injunctive relief, damages and other appropriate relief and shall also be entitled to reasonable costs and attorney fees against a person or entity seeking to prevent or hinder the safe use of window air conditioners and other reasonable means of cooling.

SECTION 2. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.